



# News Release

## IDAHO DEPARTMENT OF WATER RESOURCES

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### **IDWR ISSUES NOTICE OF VIOLATION TO CITY OF BLACKFOOT FOR ILLEGAL WATER DIVERSION**

**Editor's Note: Copies of the Notice of Violation and its accompanying explanatory letter are available on the IDWR web site at [www.idwr.state.id.us/Blackfoot](http://www.idwr.state.id.us/Blackfoot)**

For Immediate Release  
Boise, Idaho - Aug. 16, 2002

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State water managers have issued a notice of violation to the City of Blackfoot for illegally diverting an estimated 1,050 acre feet of water from the Snake River into Jensen's Grove Pond and ordered the City to immediately cease and desist any further diversion of water, the Idaho Department of Water Resources said today.

The NOV comes following repeated warnings starting back in March that the City of Blackfoot could not divert water from the Snake River into Jensen's Grove Pond without a valid water right allowing it to do so.

In June the City of Blackfoot began diverting water from the river without a valid water right. City officials were again advised that they must have a valid water right.

On three separate occasions in July, Water District 1 employees inspected the site and found that the City illegally was diverting water at rates of up to 49.5 cubic feet per second (1.3 million gallons per hour). Each time the City was instructed to immediately cease diverting water and City personnel agreed.

On August 1 an inspection showed the City was still diverting water, this time at 45 CFS (1.2 million gallons per hour). Twice since then the Watermaster ordered the diversion shut off, posted and secured it with a chain and lock. Twice the chain was cut and water illegally diverted.

The Bingham County Sheriff was then notified and the diversion was shut down and locked for a third time. City of Blackfoot officials admitted that city employees had cut the chain each time.

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IDWR is also seeking a civil penalty of \$2,000 for the illegal diversion of water and requiring the City to make restitution by obtaining the water necessary to repay the water users from which the water was taken.

IDWR officials also point out that the destruction or tampering with water measuring devices – in this case the chains being cut and the diversion reopened after it was closed and posted by the watermaster – and the wrongful diversion of water are both misdemeanors under Idaho law. The City of Blackfoot now has 14 days in which to meet with IDWR to determine how to resolve the situation.

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